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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/692,203	10/23/2003	Miquel Angel Perez	Perez nonprovisional	8164
7590		- 05/18/2006		
John Dodds 1707 N St. NW Washington, DC 20036			EXAMINER MAI, TRI M	
			ART UNIT	PAPER NUMBER
			3727	

DATE MAILED: 05/18/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

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<b>Office Action Summary</b>	<b>Application No.</b> 10/692,203	<b>Applicant(s)</b> PEREZ, MIQUEL ANGEL	
	<b>Examiner</b> Tri M. Mai	<b>Art Unit</b> 3727	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-6 is/are pending in the application.  
     4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-6 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
     a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |                                                                                                                                               |                                                                                         |
|-----------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                                                   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                                          | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>10/23/03</u> . | 6) <input type="checkbox"/> Other: ____.                                                |

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1. Claims 1, 3, and 6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wenkman et al. (4697780) in view of Naylor (1741136) or Wilkinson (451097). Wenkman teaches a vertical arm having an upper and lower portion a shaped tongue 59 being downwardly folded and providing forming an open hook. Wenkman meets all claimed limitations except for receptacle holder being a horizontal member having clasps at 180 degrees apart. Either Naylor or Wilkinson teaches that it is known in the art to provide a receptacle holder comprising a horizontal member as shown in Fig. 6, and 2 respectively. It would have been obvious to one of ordinary skill in the art to provide a horizontal member having two clasps at 180 degrees apart to enable one to carry additional receptacles.

Regarding claim 3, note the aperture of the two clasps are lateral (from the inside in Naylor and outside in Wilkinson as claimed).

Regarding claim 6, it would have been obvious to one of ordinary skill in the art to make a device of different colors to advertise and/or for esthetic.

2. Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over the Wenkman rejection as set forth in paragraph 1, and further in view of Tully (5501176). Tully teaches that it is known in the art to provide a connection having rectangular holes 31. It would have been obvious to one of ordinary skill in the art to provide a through rectangular hole in Wenkman as taught by Tully to provide alternative attachment means.

3. Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over the Wenkman rejection as set forth in paragraph 1, and further in view of Weterrings et al. (5655673). It would have been obvious to one of ordinary skill in the art to provide clip in the frontal direction to provide the desired direction for the clip.

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4. Claims 1, 4, and 6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Duran (D411603) in view of either Kahn (6443342) or Wenkman et al. (4697780). Duran teaches a horizontal member having two holding clip devices. Duran meets all claimed limitations except for the vertical arm. Either Kahn or Wenkman teaches that it is known in the art to provide a one-piece vertical member 10 and 14 respective for attaching a holding device. It would have been obvious to one of ordinary skill in the art to provide a one-piece vertical member as taught by either Kahn or Wenkman to provide an alternative clip.

Regarding claim 6, it would have been obvious to one of ordinary skill in the art to make a device of different colors to advertise and/or for esthetic.

5. Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over the Duran rejection as set forth above in paragraph 4, and further in view of Szalony (4062482). It would have been obvious to one of ordinary skill in the art to provide the apertures being lateral as taught by Szalony to provide the desired orientation for inserting/withdrawing the balls.

6. Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over the either Wenkman or Duran rejections as set forth in paragraphs 1 and 4, and further in view of Greenwood (5857601). Greenwood teaches that it is known in the art to provide a holding device made from plastic and steel (col. 4, ln. 6; col. 4, ln. 54). It would have been obvious to one of ordinary skill in the art to make the holding device made from plastic and steel as taught by Greenwood to provide the desired material for manufacturing the device.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tri M. Mai whose telephone number is (571)272-4541. The examiner can normally be reached on 7:30am-5:00pm.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nathan Newhouse can be reached on (571)272-4544. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Tri M. Mai  
Primary Examiner  
Art Unit 3727

